

Settlement/Hearing: November 9th, 2009
Time: 10:00 A.M. .

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 09-22939 RDD

**DIANE E. HIXSON AND
SYLVESTER HIXSON,**

NOTICE OF SETTLEMENT

Debtor(s)

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PLEASE TAKE NOTICE, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D Drain, United States Bankruptcy Judge, on the 9th day of November, 2009 at 10:00 A.M. at the United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

Hearings on Objections, if any, to be conducted same place, date and time.

Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

Dated: White Plains, New York
August 28th, 2009

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir (JLS0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Diane E. and Sylvester Hixson
9 Pauline Court
Spring Valley, New York 10977

Bleichman & Klein
268 West Route 59
Spring Valley, New York 10977

Aurora Loan Services, LLC
10350 Park Meadows Drive
Littleton, Colorado 80124

Aurora Loan Services, LLC
c/o Steven J. Baum, PC
220 Northpointe Parkway Suite G
Amherst New York 14228

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 09-22939 RDD

**DIANE E. HIXSON AND
SYLVESTER HIXSON,**

Debtor(s)

-----X

ORDER DISMISSING CHAPTER 13 CASE

The chapter 13 trustee, having moved for an order dismissing this chapter 13 case, and upon the motion and the record of the November 9, 2009 hearing thereon, the Court having found that the above-captioned debtors have failed to comply with the provisions of 11 U.S.C. §1307(c)(1), having created unreasonable delay that is prejudicial to creditors, and (c)(4), having failed to remit timely proposed plan payments to the trustee; and the Court also having found that the debtors' plan is not feasible and that the debtors are unable to confirm a plan; and good cause appearing,

IT IS ORDERED THAT:

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case.

Dated: White Plains, New York
November , 2009

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No.09-22939 RDD

**DIANE E. HIXSON AND
SYLVESTER HIXSON,**

TRUSTEE'S AFFIDAVIT

Debtor(s)

-----X

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtors filed a Chapter 13 proceeding on June 1st, 2009.
3. A hearing on confirmation was held on August 25th, 2009.
4. The debtors failed to comply with the provisions of 11 U.S.C. §1307(c)(1)
and (c)(4).
5. The debtors failed to remit timely proposed plan payments to the trustee,
having remitted -0- payments, and being, at this juncture, *two months in arrears with a further
payment becoming due on September 1st, 2009.*
6. The debtors' plan is deemed infeasible with respect to claims filed.
7. At the aforesaid confirmation hearing held on August 25th, 2009, the debtors'
case demonstrated infeasibility and an inability to confirm.

WHEREFORE, the trustee respectfully requests that the annexed order dismissing

this case be signed.

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

Sworn to before me this
28th day of August, 2009
/s/ Jody L. Kava

Jody L. Kava
Notary Public, State of New York
No. 4836806
Qualified in Westchester County
Term Expires: 10/31/09

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

IN RE:

Chapter 13

**DIANE E. HIXSON AND
SYLVESTER HIXSON,**

Debtor(s)

-----X

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester, State of New York. On August 28th, 2009, I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

TO:: United States Trustee
33 Whitehall Street
New York, New York 10004

Diane E. and Sylvester Hixson
9 Pauline Court
Spring Valley, New York 10977

Bleichman & Klein
268 West Route 59
Spring Valley, New York 10977

Aurora Loan Services, LLC
10350 Park Meadows Drive
Littleton, Colorado 80124

Aurora Loan Services, LLC

c/o Steven J. Baum, PC
220 Northpointe Parkway Suite G
Amherst New York 14228

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
28th day of August, 2009

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 60-8764500
Qualified in Rockland County
Cert. Filed in Westchester County
Term Expires: 12/31/10